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DOCKET FILE COPY ORIGINAL

March 20, 1996

**EX PARTE**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

EX PARTE COPY FILED

MAR 20 1996

RE: PP Docket 96-17, Improving Commission Processes;  
CC Docket 92-115, Revision of Part 22 of the Commission's Rules Governing the  
Public Mobile Services.

Dear Mr. Caton:

The attached material was submitted to Wireless Telecommunications Bureau Chief, Ms. Michelle Farquhar on March 15, 1996 in preparation for a meeting to be held between her, her staff, and the Federal Communications Bar Association's Wireless Telecommunications Committee "Process Improvement" Task Force. On March 19, 1996, Cathy Massey, Kathy Zachem, Mike Altschul, and the undersigned (all members of the FCBA's Wireless Telecommunications Committee) met to discuss the attached materials with Michelle Farquhar, Jennifer Warren, and Jay Markle (all of the Wireless Telecommunications Bureau), Lisa Higginbotham (Office of the General Counsel), and Donnajean Ward (Office of Plans and Policy). Please associate this material with the above-referenced proceedings.

Two copies of this notice were submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4955 should you have any questions or require additional information concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "David A. Gross", is written over a printed name.

David A. Gross

Attachment

cc: Michelle Farquhar (w/o Attachments)  
Jennifer Warren "  
Jay Markle "

Lisa Higginbotham	“
Donnajeane Ward	“
Cathy Massey	“
Kathy Zachem	“
Mike Altschul	“

## MEMORANDUM

**To:** Michele Farquhar

**cc:** Jim Blitz  
Carol Bjelland  
Peter Connolly  
Helen Disenhaus  
Janet Fitzpatrick  
Bill Franklin  
Eliot Greenwald  
Lisa Higginbortham  
Cathy Massey  
Larry Roberts  
Kathy Zachem

**From:** David A. Gross; (ph) 202-293-4955  
Mike Altschul; (ph) 202-785-0081

**Date:** March 15, 1996

**Subject:** FCBA WTC "Process" Task Force

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Attached are two memorandums prepared for you by a "Process Improvement" Task Force of the FCBA's Wireless Telecommunications Committee. The first memo contains some ideas regarding process improvements for the Wireless Telecommunications Bureau, while the second memo focuses upon related Reference Room and document retrieval issues.

We look forward to discussing with you and others at the Commission some of the ideas for process improvements set forth in these memos at our meeting scheduled for Thursday, March 21, 1996 at 2:30 p.m. In the mean time, please feel free to call either of us if you have any questions.

March 15, 1996

## Memorandum

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TO: Michele Farquhar  
Acting Chief  
Wireless Telecommunications Bureau

FROM: Federal Communications Bar Association - Wireless Telecommunications  
Practice Committee

RE: Amendment of Part 22 of the Commission's Rules

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The Federal Communications Bar Association's Wireless Telecommunications Practice Committee ("Committee") has compiled the following list of non-controversial items raised in the Commission's pending "Part 22 Rewrite" proceeding that can be adopted on an expedited basis and eliminate unnecessary paperwork for licensees and the Commission. The Committee has also included additional recommendations that would advance the Commission's goal of further streamlining its processes.

### Provisions Affecting All Part 22 Licensees

- Eliminate prior Commission approval for purely internal (*pro forma*) changes in corporate organizational structure, or, in the alternative, deem such applications granted upon filing or fifteen (15) days after filing.
- Amend new § 22.108 by clarifying that an applicant must disclose the real party in interest to an application, including subsidiaries and affiliates *only to the extent* the latter are engaged in Public Land Mobile Services, similar to the actions taken by Public Notice in the PCS proceeding.
- Clarify that under new § 22.401, all Developmental Authorization requests not filed under § 22.409, § 22.411, § 22.413, and § 22.415 will be deemed minor.

### Cellular Service

- Eliminate new § 22.929 information requirements for cellular filings (including items such as: proximity to adjacent market boundaries and international borders; antenna manufacturer, model number and type, field polarization, beamwidth of maximum lobe; polar plot of horizontal gain pattern of antenna.)
- Clarify new §§ 22.163(e) and 22.165(e) to confirm that these rules do not require cellular licensees to notify the Commission of modifications and additional transmitters internal to a consolidated CGSA
- Clarify how many Form 600 Schedule Cs are required for cellular licensees, to confirm that only one per location is needed, regardless of the number of transmitters

### Air-to-Ground Service

- Expand the scope of filings classified as minor provided that the Commission's interference standards are met

### Other Proposals

Although not specifically included in the Part 22 Rewrite proceeding, the Committee urges the Commission to take the following steps to further streamline its processes:

- Eliminate all pro forma transfer of control and assignment applications, replacing them with a requirement that licensees inform the FCC by letter of such changes and certifying that there has not been, on a cumulative basis, any substantial change in ownership or control.
- Eliminate the 60 day deadline for consummation of transactions and related notification filing requirements, similar to the recently adopted for Part 101
- Consolidate cellular and related microwave applications into one transfer of control/assignment application to eliminate duplicative review of the same transaction.
- Eliminate the Phase II cellular unserved area format-related application filing requirements, including the requirement that the application include tabs and

be bound with a hard cover. The applications are too short to need tabs and covers. Typically, exhibits are 1 to 3 pages in length, and the application can be fastened with an ordinary staple. In addition, with the demise of lotteries, the need for a standard format to ease the review of massive quantities of applications has been eliminated.

- The Committee encourages the Commission to adopt procedures whereby draft orders can be submitted in order to expedite resolution of contested matters.

March 15, 1996

# Memorandum

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**TO:** Michele C. Farquhar  
Acting Chief  
Wireless Telecommunications Bureau

**FROM:** Federal Communications Bar Association, Wireless Telecommunications Practice Committee

**RE:** Improving the Commission's Processes - Recommendations for the Wireless Telecommunications Bureau Reference Rooms

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The Federal Communications Bar Association's Wireless Telecommunications Practice Committee ("Committee") hereby submits the following list of areas where the Commission could improve access to information in the Wireless Telecommunications Bureau's public reference rooms:

- Microfiche copies of cellular application filings are currently filed by market number. Thus, wireline, nonwireline, and unserved area systems are all filed together. The Committee suggests that the microfiche be filed via call sign, thereby alleviating the problem of separately licensed systems being mixed in the same file.
- Not all microfiche for cellular applications on public notice are readily available in the reference room. The Committee suggests that the microfiche be sent to the reference room and be promptly filed as soon as the application is accepted for filing.
- Not all files (paper copies and microfiche) are available in the reference room. The Committee suggests that the files be more closely monitored in order to avoid missing files.
- Cellular large maps filed with major modification applications, Phase I, and Phase II unserved area applications (i.e., applications on public notice) are not available in the reference room. Researchers must obtain copies from the Division's processing staff. The Committee suggests that one copy of the large map be sent to the reference room when the application first appears on public notice as accepted for filing.

- A complete record of cellular station files is contained in the Commission's database which is accessible by computer in the reference room. However, microfiche copies of corresponding applications are often forwarded to the Commission's warehouse in Suitland, Maryland, and are only available to the public by travelling to the Suitland facility or waiting 5-7 days for the files to be transferred back to the FCC after requesting such action from the Commission's contractor. Although storage of certain applications is a necessity, there is no clear criteria for determining which current materials are sent to off-site storage. In some cases, applications filed as recently as 1994 are sent to Suitland, while other applications filed at least 10 years ago are still available in the reference room. The Committee suggests that reference room personnel and the public be notified of the criteria for storing public information off-site, and that existing policies regarding such storage be systematically enforced.
- After the initial C-Block FCC Form 175 filing date, only portions of electronically filed PCS applications were readily available to the public due to technical difficulties. The public encountered two separate problems. First, the Commission made one text file containing all applications available to ITS, the Commission's contractor, for purposes of downloading and reproducing. Because of the size and format (ASCII text), ITS was unable to download complete, readable Form 175 filings on a timely basis. In fact, ITS had to continually provide the public with "newer" versions of the applications for several days before the public had complete copies.

Second, the exhibits to the Forms 175 were not made available for electronic review. This defeated the purpose of being able to electronically review an application because someone would still need to go to the FCC to get the exhibits.

Third, as a result of the Commission's mandated ASCII text format, applicants were unable to take advantage of charts or other graphic formats, since ASCII would not permit any format other than linear text (e.g., charts and footnotes were not included in the computer file). The Committee suggests that the FCC Review Software, and related data files, be made available as soon as the Form 175 applications are filed, rather than waiting until upfront payments are submitted. The Committee also suggests that the FCC eliminate the use of ASCII and instead select a word processing format for all applicants to use. This will make it easier for applicants to prepare exhibits, result in better presentation of information, and make it easier for competing applicants to review the information.



- The Committee encourages the Commission to seek improved quantity and quality in microfiche and photocopying equipment by its contractor.
- To the extent that information continues to be available to the public, the Committee encourages the Commission to adopt electronic filing procedures for cellular applications so that the microfiche filing requirement can be eliminated. The Committee also encourages the Commission to adopt procedures for electronic fee submissions.
- The Committee encourages the Commission to allow public access to its cellular database in order for the public to obtain complete copies of cellular license authorizations.